



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

September 9, 2009

1. Bill Number and Sponsor:

House Bill 5055
Representative Doug Bennett
Referred to House Great Lakes and Environment Committee

2. Purpose:

To eliminate the Marina Operating Permit Program under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and move marina construction criteria from the Part 301 Administrative Rules to the statute.

3. How this Legislation Impacts Current Programs in the Department:

This legislation would eliminate the Marina Operating Permit (MOP) Program under Part 301. Marina operators would no longer have to license their operation every three years. The bill would continue to require a permit before the construction, expansion, or reconfiguration of a marina.

4. Introduced at Agency Request:

Yes.

5. Agency Support:

Yes.

6. Justification for the Department's Position:

This bill would reduce costs to the Department and the marina operator. Permits would only be required when new construction, expansion, or a re-configuration of the "footprint" of the marina structures and moored watercraft would occur. Complaints about unpermitted marinas or those that have changed their configuration would continue to be handled by the Department on a priority basis. This bill would also eliminate MOP review of vehicle parking, lake-carrying capacity, aesthetics, safety, and compliance with local ordinances.

The bill also moves marina operating criteria from the administrative rules for the operating permit to the construction review criteria in the statute to ensure that the same criteria is applied to the review of all marina construction permit applications. This includes

requirements that the watercraft moored in a slip not exceed the length of the slip; that the ingress and egress between the marina and moored watercraft and the applicant's riparian interest area boundary be at least 1.5 times the length of the watercraft using the area; and, if an adjacent property owner is willing to allow ingress and egress over their riparian interest area, that the authorization be in the form of a recorded easement.

Elimination of the MOP is consistent with the Governor's Executive Order 2008-21 and the Fiscal Year 2009/10 budget.

This bill would reduce Department program costs and marina operator costs; and, have insignificant impacts on the natural resources and public trust waters of the state. The bill also codifies and clarifies minimum marina permit requirements in the statute.

7. State Revenue/Budgetary Implications:

This bill would reduce state revenues by a maximum of \$20,000 per year, but would reduce program costs by approximately \$175,000 annually.

8. Implications to Local Units of Government:

Nothing in this bill would limit the authority of a local unit of government to regulate the location or operation of a marina. Further, the issuance of a permit under this bill does not eliminate the need to obtain other applicable authorizations, including those by the local unit of government.

9. Administrative Rules Implications:

The bill would eliminate the MOP Program. The administrative rule that addresses this program will need to be rescinded.

10. Other Pertinent Information:

None.



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Department of Environmental Quality